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Kuwait: The Crisis and its Future

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It is not possible to understand a book by simply reading its last page. Likewise, it is not possible to understand what is happening in Kuwait today without reviewing the previous episodes of crises that have generated the state of affairs we see today, which many have described as a state of crisis from which it is difficult to exit without opening political wounds. This paper will highlight a group of historical events that bear the seeds of the current crisis. It will also briefly shed some light on some of the central concepts for understanding Kuwaiti political mobilization. The first of these concepts is the nature of the Kuwaiti government. The second is the current constitution, which defines not only the nature and roles of the three powers, but also the very nature of today's current conflict.

The fifty-year-old Kuwaiti constitution that Kuwaitis consider to be the founding charter for their democratic experience establishes a coupling that appears illegitimate at first glance. This coupling is between a democratic system that grants sovereignty to the nation (Article 6 of Section 1) and a traditional monarchical system that gives broad powers to the Emir including the power to appoint and dismiss the prime minister and other cabinet members (Article 56 of Section 2). There is a contradiction between two distinct wills: The will of a given people at a given time founded in a particular vision as

captured in the outcomes of elections and the will of the Emir and his ministers founded in a separate vision. As a result of this contradiction, it is not guaranteed that these two wills will reach an agreement.

Thus, we face a state whose internal composition contains various elements that are at the very least undemocratic, including remnants of obsolete social systems like religion, tribe, and monopolization of power. However, I tend to think that the constitutional system in Kuwait is the result of a specific phase of Kuwait's history and the product of the mainstream culture at the

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time it was drafted. If we keep this in mind, we could understand the current demands of most of the youth and political movements to amend the constitution that was drafted fifty years ago and no longer accommodates the ambitions of many of the people.

The other relevant issue is that the Kuwaiti constitution has codified the state of affairs that had prevailed at the time, i.e. the ancient tribal rule of Al Sabah family. Although the constitution regulates and organizes the rule of Al Sabah (by only referring to the royal family via the Emir and the Crown Prince), the royal family has always been an effective and strong party in the management of state affairs. The prime minister is always a son of the family; all “sensitive” or “sovereign” ministries are reserved for the family, not to mention the existence of family council – an unofficial council that determines the many of the relationships and roles of members of the royal family as well as the equilibrium among the leading figures of the family.

The interference of the royal family in the management of state affairs via a side avenue rather than an official constitutional avenue is one of the most difficult aspects for those attempting to understand Kuwaiti politics. Most of these interactions result from differences in the interests and visions held by individuals possessing significant influence in the management of state affairs even if such individuals are not members of the government.

The best description that we can offer for Kuwaiti regime is to cast it as “conservative”. Conservative regimes seek to preserve the status quo and refuse change. The principle problem for this conservative mind-set

towards power is that it lacks any intellectual basis. Political pragmatism so to speak is the hallmark of this mentality. There is no room for discussing an ideology, a clear and distinct political platform, or even some of the intellectual principles that lie behind regime actions. Everything is negotiable; everything is usable, under certain conditions. Therefore, the biggest problem for conservative regimes lies in their total refusal of change. As we have seen, it appears that this refusal is a direct result of the fact that these regimes lack the tools for change that are required and imposed by democratic regimes whose rule is based on continuous dialogue between different points of view.

How did the Crisis Begin? A Historical Perspective

Each new situation in the development of Kuwaiti democracy has often been the outcome of conflict between two different, contradicting wills. This applies to the different stages of the development of Kuwaiti constitutional system until 1962 when the current constitution appeared. This observation applies also to all the crises through which Kuwait has passed including the current one.

It is useful to begin the history of the current crisis by returning to 2006 when Sheikh Sabah Al Ahmed Al-Jabir was appointed Emir of Kuwait after Sheikh Saad Abdullah Al Salim abdicated for health reasons. The issue, however, does not stop here. The Emir appointed his brother Sheikh Nawaf as Crown Prince and his nephew Sheikh Nasser al-Mohamed al-Ahmed as Prime Minister. The distribution of ruling positions in this manner was a painful blow to the parties whom felt

that they too had the right to rule. These parties included the children from the Al Salim branch of the royal family (whom have ruled Kuwait several times) and the children from the Al Hamad branch of the royal family (which was excluded from the Emirship and the position of crown prince until recently when Sheikh Jabir al-Mubarak was appointed Prime Minister).

Considering the fact that some of the members of the royal family (especially those who belong to Mubarak branch and thus possessing the right to become Emir) have significant economic, political and social weight, they have begun to wage fierce campaigns against the Prime Minister with the aim of finishing his political career in order to clear path to rule for themselves. This conflict between parties of the royal family is played out in the Kuwaiti parliament, media outlets owned by members of the royal family, and Twitter through some Twitter accounts.

The actual parties to the conflict, i.e. members of the royal family, have always worked subtly and managed their conflicts behind the scenes. However, as a number of examples have demonstrated, the nature of conflict itself has generally pushed these parties to appear in public. After Sheikh Ahmed Al Fahad left the government after being threatened with a parliamentary inquiry about suspected corruption, many of the statements in official newspapers on his dispute with the former Prime Minister Sheikh Nasser Al Mohamed revealed that the Prime Minister had prompted members of parliament to summon Al Fahad in for questioning in order to compromise his political career. Not long after Al Fahad left the government, news

broke about the largest financial scandal in the political history of Kuwait wherein it was revealed that the financial accounts of many members of parliament had significantly increased not long after they entered Parliament. The subsequent massive, popular sit-ins and the marches that stormed Parliament were not hard to explain away as a vengeful response by Sheikh Ahmed Al Fahad against the Prime Minister whom had presented Al Fahad to the people and members of parliament as the one responsible for bribing those parliamentarians.

However, it appears that there was also an objective reason for the overwhelming public anger. The government headed by Sheikh Nasser Al Mohamed had always been weak. In just five years, it formed nearly six governments all of which were unable to pass through the different rounds of parliamentary inquiry and failed to approve or apply any development plans. This, in addition to other factors to be mentioned later, nourished displeasure towards the government's performance.

The sit-ins and demonstrations in Al Erada Square that led to the storming of parliament on 16/11/2011 successfully prompted the Prime Minister to again submit his resignation to the Emir. However, even though the Emir had rejected Prime Minister's resignation several times previously, he had no choice but to accept it this time for it was the only possible way to defuse the crisis and contain popular anger. In the midst of this tense atmosphere, the Emir dissolved the Parliament of 2009 on 6/12/2012 and afterwards called for the election of a new parliament (the Parliament of 2012). However, as these elections yielded a

majority opposition most of which was Islamist and tribal, it was not long before the Constitutional Court issued a ruling that both invalidated this newly elected parliament due to a procedural error that had marred the decree dissolving the former parliament and reinstated the Parliament of 2009.

The parliamentary elections of 2012 were a landmark in the history of Kuwaiti democracy. Despite the brief, roughly four-month life of the Parliament of 2012, the elections that created it revealed large sectarian and social divisions within Kuwaiti society. Candidates from different religious sects and segments of society made excessive use of hate speech against one another. Government corruption and MPs financial scandal in turn were a primary concern for candidates in their electoral rallies. Consequently, those members of the 2009 Parliament suspected of bribery either chose not to participate in the elections or lost resoundingly. The dominant belief amongst Kuwaitis at these elections was that fighting corruption needed strong MPs, preferably Islamist ones. This belief might explain why women did not manage to get elected during these elections.

Another factor that played an important role in these elections was the rise of new youth leaders in the political arena. These leaders fuelled much of the sit-ins and marches that led to the dissolution of the 2009 Parliament and the acceptance of Prime Minister resignation. Some of these new youth leaders became members of parliament while others remained on the outside. Ideologically, however, we cannot dissociate most of these youth movements – or at least the most organized of these movements – from the

major Islamist trends in the Kuwaiti political arena: The Salafis and the Muslim Brotherhood. But, this does not necessarily mean that all the youth movements were Islamist, as there were also secular and Shi'a movements and some others that claimed to be independent. Today, the common cause of these movement is that most of its youth leaders face court verdicts related to the storming of parliament. These verdicts have sentenced some militants to up to nine years in prison. These verdicts might lead in the coming days to a larger youth mobilization to pressure the government to recant its verdicts.

Kuwaitis perceived that the decree dissolving the Parliament of 2009 that was dominated by bribery and political money to be a popular decision that the people obtained only after many sacrifices and, thus, it was out of question that this Parliament would reconvene. This is exactly what happened as the reconvened Parliament met only once. Then, fearing a constitutional vacuum the Emir issued a decree that dissolved the Parliament of 2009 without calling for new elections.

At the same time, anticipating that elections would produce an opposition parliament like the Parliament of 2012, the government attempted to rearrange electoral districts by contesting their constitutionality in front of the Constitutional Court. This provided reason enough for the parliamentary majority of the dissolved Parliament of 2012 to mobilize its constituents in Al Erada Square to refuse any change to the electoral districts coming from outside of Parliament. The Constitutional Court ruled that it did not have the jurisdiction to look at the equitable distribution of the electoral districts, which

delighted the opposition majority in the Parliament of 2012. This delight, however, did not last long. On 21/10/2012, the Emir issued a decree that amended the electoral system and gave one vote, rather than four votes, to each voter. This decree led to an unprecedented, angry, popular mobilization, which has produced the “Nation’s Dignity” marches that have led to the major crisis we see today.

Today’s Crisis

The Parties of the Crisis

The two primary parties in the current political crisis are the regime on one side represented by the emir and the government and opposition majority of the Parliament of 2012 on the other. After the dissolution of Parliament of 2002, this majority attempted to organize itself in a temporary political movement, led by members of the disbanded parliament. This movement called itself “Movement for the Reinstatement of Majority” and was propelled by groups of supporters of different parliamentarians and the youth movements associated with political groups of the most influential MPs, like the tribes, the Muslim Brotherhood Youth, and the Salafi Youth.

However, the futility of this movement became quickly obvious as it appeared to be an incoherent movement whose members differed on many issues and seemed to be bound together only by their desire to return to their seats in Parliament. This movement quickly realized its weakness and its lack of citizens’ trust and confidence. Afraid of failure, “Movement for the Reinstatement of Majority” held several meetings to seek an

exit. Some of its members suggested that the movement open its doors to all the political and youth movements in the country regardless of their ideology and draw up a political agenda for reform that would become the electoral platform for the movement’s members in the next elections. While some of the independent youth movements and political forces responded favorably to this invitation, the liberal and Shiite currents completely rejected it. And after an extended meeting, it was decided to call this new movement the “National Front for the Protection of the Constitution”.

The biggest problem faced by the members of this front was how to come to an agreement upon a common reform platform. Despite the predominance of some veteran political figures over these meetings which were held in their *Dewaniya* (reception area), the political caution these political figures practiced was not enough to curb the excitement of the youth. Consequently, the veteran politicians had no choice but to submit to the aspirations of the youth who have the capacity to constantly harass and trouble the regime by fomenting unrest and organizing sit-ins and other forms of mobilization. Seasoned politicians accepted not because they completely agreed with this program (as some of them had been members of parliament for several decades and never come up with such a platform) but rather because they were unwilling to lose these youth forces as an important tool in their struggle with the regime.

“The National Front for the Protection of the Constitution” released the following as the basis for its reform platform:

1. Completing democratic development towards a full parliamentary system;
2. Enacting a democratic law that allows the establishing of political parties;
3. Enacting a new electoral law in accordance with a single district, proportional representation, party list system, and establishing an independent electoral authority;
4. Reforming, developing, and supporting the independence of the judiciary, especially the establishment of an independent constitutional court in accordance with the article 173 of the Constitution.

Due to the limited space here, we will only discuss the first point. This point is a watered down version of the youth's constantly voiced demand for a constitutional emirate in which the royal family is restricted to holding just the positions of the Emir and Crown Prince clearing the way for the parliamentary majority to select the Prime Minister from outside of the royal family. "Completing the democratic development towards a full parliamentary system", however, is a convoluted formula for the constitutional emirate (a demand that frightens many Kuwaitis) and appears to be a product of professional political action. And, unless the Front achieves a parliamentary majority, its program will remain merely ink on paper, as its desired reform is contingent upon occupying seats in parliament!

Many of leading figures of the conservative regime are now attempting vigorously to repel this attack and disperse the Front in a variety of ways. We ought to keep in mind that at the same time that the regime is attempting to

respond to and repress this popular movement, it is also faced with other kinds of threats: an internal threat posed by the ambitious sheikhs and a regional threat that considers Kuwaiti democratization to be a threat to the stability of the entire Gulf region and believes that regime must drop the constitution altogether in order to fall into line with other GCC countries.

The ruling family has long dealt with the threat posed by the power aspirations of the offspring of Sheikh Mubarak either through peaceful means like the norms and equilibrium within the royal family, through coercive political exclusion, or through force. However, the current conflicts between the leading figures of the royal family has taken on a different form as disagreements are no longer resolved behind the closed doors of the royal family or within the boundaries of the closely related political class. Today, conflict between leading figures of the royal family has taken up a new dimension and these figures have started using new tools, foremost among them the parliament and parliamentary inquiries, to embarrass each other and tarnish each other's reputation before the general public. Additional examples of these new tools are the Internet and social media outlets such as blogs, Facebook, and Twitter.

The bottom line is that for the first time ever the Kuwaiti public has become aware of what goes on behind scenes thanks to leaks here and there by parties embroiled in this conflict via modern means of communication. Conflicts like this amongst the upper power echelons over governance and financial affairs have helped increase Kuwaitis' feeling that the gap between the royal family and the people has started to widen and that the time

has come for the people to take up the reins of power and straighten out affairs through different forms of popular pressure. Currently, it is not difficult to conclude that that “The National Front for the Protection of the Constitution” appears to be the only possible means to express this popular pressure, as there is no other alternative.

Therefore, we are faced with two parties of this crisis each of whom has its own priorities and internal contradictions: the royal family and the National Front for the Protection of the Constitution that is supported by youth movements enraged by corruption. Nor is it difficult for us to recognize the shift in the National Front’s critical discourse which used to be directed at the government and prime minister but is now explicitly directed at the emir. Fearing the loss of popular support, the opposition deferred the discussion of the “constitutional emirate” (in which the Emir would reign but not rule) and as alternative - that appears to merely be play on words-proposed “a full parliamentary system”. This partial change in parties of the crisis led to a new form for the crisis and this is the subject that we will address in the lines that follow.

Form of the Crisis

The support of the youth and the tribal movement has given the National Front for the Protection of the Constitution an excellent opportunity to escalate its pressure against the regime in an attempt to obtain its demanded reform. As we have seen, this pressure began with opposing the submission of electoral law to the Constitutional Court. Opposition persists today against the emir’s “necessity decree” that amended the voting system. Their main argument was that the emir had

stolen the right of the people to decide the form of their democracy. Indeed, this was cry shouted by the demonstrators in their recent marches: “We will not allow you” that was part of a famous speech given by the famous opposition parliamentarian Musallam Al Barrak. The public prosecutor’s decision to close the lawsuits against former MPs suspected of bribery added further fuel to the fire.

The popular protests took a new form in this crisis. Before they were just sit-ins that started and ended in Al Erada Square but now they took the form of precisely planned marches gathered together at meeting points on maps published over social media. Despite the threat of the government to use force against illegal marches, the protesting forces were not deterred from organizing the Nation’s Dignity march and the other marches that followed.

The choice of the National Front for the Protection of the Constitution to take the Emir as the central target of their criticism has launched a new era in dealing with the opposition. Instead of the previous manner of addressing crises via the government and prime minister, today the Emir is directly involved with the crisis. At the same time that the first march descended to the streets, the Emir called for an emergency meeting with leading figures of the royal family and the crown prince. The meeting was the occasion for these figure to renew confidence in and loyalty to the Emir. The following day, the Emir met with tribal leaders and *Dewaniya* owners and gave a speech containing several important messages: First, he announced that he was personally aware that the members of the royal family had exceeded the proper

boundaries in their conflicts and that he would be unrelenting in holding them accountable to the law. Second, he stated that during the day of Nation's Dignity march, he had seen the end of the state and its authority and that the state itself was on the verge of falling apart. The manner of dealing with the events that followed confirmed this new policy towards opposition. MPs were accused of insulting the Emirship, and bloggers and tweeters were dealt with firmly. It remains to be determined whether or not some of the leading figures of the royal family have been prohibited from engaging in the political sphere.

The form of the crisis in Kuwait today depends a lot upon its parties. Neither the Emir nor the National Front is willing to make concessions and they may in fact be unable to do so. Any concession by the Emir towards revoking the decree as is desired by the National Front will certainly weaken the State's authority and rule of law and open the door for all sorts of demands in the future. Any concession by the National Front will cause it to lose the trust of the youth and thus rob it of one of its best weapons in its battle with the regime. It appears that this confrontation, as a direct result of having arrived at a dead end, is the only possible choice at the moment. This is what we will discuss in detail in the next section.

What Next?

We first need to shed more light on the contradiction between the two wills: the will of the conservative regime and the will of the opposition represented by the National Front for the Protection of the Constitution. We have said previously that in light of the

current circumstances, it is has become difficult for both these wills to reach an agreement and that it appears that confrontation is inevitable. However, it nonetheless appears that this matter also needs some additional detail.

Violence and chaos remain the principle issues for both parties. The opposition hopes to lure the regime into violently assaulting citizens in order to break the close tie binding the Al Sabah family to the people. The opposition did not hesitate to use all available media outlets to raise the level of popular discontent against the royal family. The regime on the other hand, is cognizant of its capacity to crush the opposition. To date, the regime has been able to emerge victorious from several previous confrontations although such confrontations occurred in atmosphere different from that of the Arab Spring today. Although the regime could threaten to resort to GCC Peninsula Shield Forces to curb unrest just like what occurred in Bahrain, the government is cognizant that such violence comes with a price that it is not willing to pay. The government does not want violence as it would compromise its ties with the people nor does it want international pressure that would tarnish the image of Kuwaiti democracy. In this case, the alternative is the attempt on behalf of the regime to lure the opposition into violence that would tarnish the reputation of the opposition and automatically isolate it.

In parallel to the regime's strategy for dealing with the opposition that has announced its intent to boycott elections, it appears that the regime intends to carry out new reforms within the royal household. These reforms intend to rearrange the positions of the

family's members filling them with those it can negotiate with and excluding from them those it cannot deal with. However, any good observer of the royal family, its alliances and its schisms would be aware of the fact that the cake is far too small to feed everyone. Thus in the end, every rearrangement of the ruling household is just a temporary solution. One would be prompted to suggest a clear political rupture by limiting the rule to one branch of Sheikh Mubarak's offspring. This would require a constitutional amendment which means that the Emir is in need of an amenable parliament that would allow this transition to occur. It appears that the coming parliament, whose elections will be held in the beginning of December and will be boycotted by most of the political forces, would probably play this role .

The issue is not this simple, however. The regime is aware that the advent of such a "sham" parliament would be perceived by the public opinion as one entrenched in corruption, which would subsequently cause an outbreak of popular anger and a new cycle of unrest. Today, the wager of the regime appears to be clear: most election boycotts in the past ended up with those boycotting isolated from the street and the media, which automatically cause the ranks of the opposition to dismantle and its electoral bases to crumble. The challenge facing the regime is thus related to time: the longer the crisis continues the more it loses momentum. (This depends upon the natural boredom that afflicts people from repeating meager demonstrations that do not achieve anything).

Today, dismantling the opposition appears to be the true challenge facing the regime in Kuwait. Achieving this goal, however,

requires a deep understanding of the essence of this opposition. The Kuwaiti regime does not have any doubt that the real engine and organizer behind all opposition's movements is the Muslim Brotherhood and its youth cadres, especially its youth group "Nahj" that mobilizes tribesmen and youth via social media outlets. The crushing victory achieved by the global Muslim Brotherhood movement in the Arab Spring countries has cast a shadow of fear over the Gulf regimes. The issue started in the United Arab Emirates with the vicious attack of the Muslim Brotherhood's cadres, which revealed its leaders' relationships with their counterparts in Kuwait. At the time, many newspapers wrote that the Kuwaiti regime had received confidential reports from the UAE on the suspected activities of the group.

However, regardless of the veracity of these rumors, it appears that the Kuwaiti regime has no doubt about the high degree of organization of the demonstrations and marches. Marches are determined according to simplified maps available to the public and alternative maps in the event of intervention by the security forces. In addition, international observers, photographers and medical teams accompany each march, not to mention the symbolic message the demonstrators wanted to send by ending their march at Qasr Al Saif (the palace of the Emir). All this could hardly be orchestrated by excited youth groups who are still newcomers to politics.

It does not appear that security response will be successful in checking this type of organized mobilization. Likewise, it does not appear that the regime has been successful in its youth-oriented program, which at its

essence had sought to contain a large number of Kuwaiti youth. In sum, it is not possible for the regime to limit itself to reacting to the opposition without a strong and robust program as a basis for its rule. If the regime does not yield the tools of changes today and attempt to change itself voluntarily, it will find itself forced to accept the change that others impose upon it.

The regime, however, continues to bet upon some weak points of the current opposition. The most important of these points are the vagueness of its reform platform and its inability to convince people. Also, this vague platform seems unable to penetrate other societal groups such as the urbanites, the Shiites, some Islamists like the Salafis, and the silent tribesmen whom to date remain part of the patronage and interests network that the rentier state has established over the past decades. This network will oppose every possible radical change to economy or interests around which it has been constructed.